

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2005-034748-001 SE

03/01/2006

COMM. JULIE P. NEWELL

CLERK OF THE COURT
A. Treacy
Deputy

FILED: 03/06/2006

STATE OF ARIZONA

KEVIN POLLAK

v.

MARVIN KENNETH PENNINGTON (001)

JEFFREY A MYER

JUDGE ARTHUR ANDERSON
VICTIM SERVICES DIV-CA-SE

INITIAL PRETRIAL CONFERENCE

12:16 a.m.

| | |
|-----------------------|---------------|
| State's Attorney: | Philip Garrow |
| Defendant's Attorney: | Jeffrey Myer |
| Defendant: | Present |

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has conducted an initial pretrial conference (IPTC) this date.

Defense counsel advises the Court this Defendant is represented by Mr. Raymond Kimble in CR2005-120362-001DT. Defense counsel was under the impression Mr. Kimble was going to represent the Defendant in this matter also; however, no Notice of Appearance has been filed.

Defense counsel further advises the Court this Defendant has new charges in CR2006-104535-001DT.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

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The State has offered a plea agreement to resolve this matter; however, it does not take the Defendant's new charges into account. This plea offer expires on 03/03/2006. The Defendant has been given a Donald advisory.

A Status Conference is set for 03/03/2006 at 1:30 p.m. in this division.

A Final Trial Management Conference is set for 04/20/2006 at 8:30 a.m. and Jury Trial is set for 04/27/2006 at 9:30 a.m. before Judge Arthur Anderson.

Estimated length of trial: 2-3 days

Last Day: 07/03/2006 (0 DAYS EXCLUDED)

A DEFENDANT'S FAILURE TO APPEAR AT THE FINAL TRIAL MANAGEMENT CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE FTMC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

FINAL TRIAL MANAGEMENT CONFERENCE

The purpose of the Final Trial Management Conference (FTMC) is (1) to complete final preparations for trial, and (2) to resolve pending pretrial issues, including possible settlement of the case.

IT IS ORDERED THAT COUNSEL WHO WILL TRY THE CASE AND THE DEFENDANT(S) SHALL PERSONALLY ATTEND THE CONFERENCE. VICTIMS SHALL BE NOTIFIED OF THE CONFERENCE.

JOINT PRETRIAL STATEMENT

Counsel shall meet and confer prior to the FTMC and jointly prepare a Joint Pretrial Statement (JPTS) using the approved form. The JPTS form is to be provided to the trial Judge prior to the FTMC.

IT IS FURTHER ORDERED affirming prior custody orders.

12:26 p.m. Matter concludes.

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NOTICE: IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH A HEARING WILL BE HELD 48 HOURS IN ADVANCE OF ANY HEARING NEEDING AN INTERPRETER FOR A VICTIM OR A WITNESS. (10 BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH.)